

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
2 United States Attorney

3 BRIAN J. STRETCH (CSBN 163973)
4 Chief, Criminal Division

5 CHRISTINA HUA (CSBN 185358)
6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055
8 San Francisco, CA 94102
9 Telephone: (415) 436-7534
10 Facsimile: (415) 436-7234
11 Tina.hua@usdoj.gov

12 Attorneys for Plaintiff

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA,) No. CR 07-0560 JSW
18 Plaintiff,)
19 v.) STIPULATION AND [PROPOSED] ORDER
20 VALERIAN DOBRE,) TO CONTINUE HEARING DATE AND
21 Defendant.) EXCLUDE TIME
22
23 SAN FRANCISCO VENUE

24 The parties in the above-titled case, including the defendant, are scheduled to appear before
25 the Court for a status hearing on April 24, 2008 at 2:30 p.m. The parties, including the defendant,
26 now agree and request that the hearing date be continued to May 22, 2008 at 2:30 p.m. for change
27 of plea. The parties also agree and request that time be excluded under the Speedy Trial Act from
28 April 24, 2008 to May 22, 2008 under 18 U.S.C. § 3161(h)(8)(A)(and (B)(i) and(iv)). The requested
continuance from April 24, 2008 to May 22, 2008 is necessary as defense counsel needs additional
time to investigate the loss amount, and speak with the defendant, taking into account that the
defendant is incarcerated and requires the assistance of a Spanish interpreter. While the defendant
wishes to enter his guilty plea on May 22, 2008, he is uncertain whether he will enter an open plea
or a plea pursuant to a plea agreement. The time is necessary for the defendant to research the loss
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amount as well as other factors, in order to determine whether it is in his best interest to enter into a plea agreement or enter an open plea. Furthermore, government counsel will be on vacation and otherwise unavailable to appear in Court or work on the case from May 7, 2008 to May 14, 2008. See 18 U.S.C. § 3161(h)(8)(B)(iv). Thus, the parties agree that the failure to grant a continuance would unreasonable deny counsel for the defense and government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and failure to grant such a continuance would result in a miscarriage of justice. See 18 U.S.C. § 3161(h)(8)(B)(i) and (iv). Finally, the parties agree that the ends of justice served by excluding the period from April 24, 2008 to May 22, 2008, outweigh the best interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(A). **IT IS SO STIPULATED.**

DATED: April 21, 2008

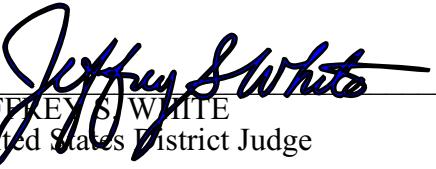
/s/
CHRISTINA HUA
Assistant United States Attorney

DATED: April 21, 2008

/s/
ERIC MATTHEW HAIRSTON
Attorney for Defendant Valerian Dobre

IT IS SO ORDERED. For all the reasons set forth above and in the government's letter dated April 21, 2008, the time from April 24, 2008 to May 22, 2008 shall be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(i) and (iv), as the ends of justice outweigh the interest of the public and the Defendant in a speedy trial.

DATED: April 22, 2008


JEFFREY S. WHITE
United States District Judge